

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

AMY ANASTASION,

Plaintiff,

vs.

CREDIT SERVICE OF LOGAN, INC. dba
ALLIED COLLECTION SERVICE,
BRITTANY APARTMENTS, L.L.C., and
DOES 1-10,

Defendants.

MEMORANDUM DECISION AND
ORDER DENYING WITHOUT
PREJUDICE PLAINTIFF'S MOTION
IN LIMINE TO EXCLUDE
DEFENDANT'S BONA FIDE ERROR
DEFENSE AND PLAINTIFF'S
MOTION IN LIMINE TO EXCLUDE
CERTAIN EVIDENCE REGARDING
DEFENDANT'S INTERNAL
RECORDS AND PROCEDURES
NOT PRODUCED

Case No. 2:08-CV-180 TS

This matter is before the Court on Plaintiff's Motion in Limine to Exclude Defendant's
Bona Fide Error Defense¹ and Plaintiff's Motion in Limine to Exclude Certain Evidence

¹Docket No. 192.

Regarding Defendant's Internal Records and Procedures Not Produced.² For the reasons set forth below, the Court will deny Plaintiff's Motions without prejudice.

Plaintiff filed the present Motions on October 11, 2011. With respect to Plaintiff's Motion in Limine to Exclude Defendant's Bona Fide Error Defense, it is unclear what Plaintiff is requesting. If Plaintiff is requesting that the Court bar Defendant from raising bona fide error as a defense, the Motion is denied as an untimely motion for summary judgment. This Motion could also be construed as a request to preclude Defendant from presenting evidence regarding a bona fide error defense. With respect to this interpretation of the request, the Motion will be treated together with Plaintiff's Motion in Limine to Exclude Certain Evidence Regarding Defendant's Internal Records and Procedures Not Produced.

To the extent that Plaintiff's Motions seek to preclude Defendant from submitting evidence relating to a bona fide error defense or Defendant's internal records and procedures, the Court will deny the Motions without prejudice, as Plaintiff has not indicated what specific evidence should be excluded. However, the Court does not intend to allow either party to submit undisclosed evidence or witnesses and Plaintiff will have an opportunity to object if Defendant attempts to offer any such evidence at trial.

It is therefore

ORDERED that Plaintiff's Motion in Limine to Exclude Defendant's Bona Fide Error Defense (Docket No. 192) is DENIED WITHOUT PREJUDICE to later objections being raised at trial. It is further

²Docket No. 200.

ORDERED that Plaintiff's Motion in Limine to Exclude Certain Evidence Regarding Defendant's Internal Records and Procedures Not Produced (Docket No. 200) is DENIED WITHOUT PREJUDICE to later objections being raised at trial.

DATED October 17, 2011.

BY THE COURT:



TED STEWART
United States District Judge